IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 237 OF 2006

Janardan Mitharam Jangle ....Petitioner

Versus

The Secretary, Pioneer Education Trust and Ors. .... Respondents.

Mr. Mihir Desai for the petitioner.
Mr. A.G. Kothari for respondent Nos. 1 and 2.
Smt. S.M. Dandekar, Assistant Government Pleader, for respondent Nos. 3 to 5.

CORAM: **KSHITIJ R. VYAS, C.J.** &
S.C. DHARMADHIKARI, J.

DATE: **MARCH 03, 2006**.

P.C.

The petitioner in this petition under Article 226 of the Constitution of India challenges the suspension order pending inquiry being held against him. The order of suspension is challenged on the ground that the charge-sheet issued against the petitioner is totally vague and general in nature. Secondly, the prior approval of the Appropriate Authority is not obtained before suspending the petitioner. Since an inquiry is contemplated against the petitioner, it is neither desirable nor proper for us to express any opinion about the charge-sheet, whether it is vague or general in nature. The petitioner can very well agitate the same in the inquiry.

2. As regards the second contention regarding prior approval of the Appropriate Authority is concerned, the point is covered by the Decision rendered by a Full Bench of this Court in the case of *Awdhesh Narayan K. Singh vs. Adarsh Vidya Mandir Trust and Anr.* [2004 (1) ALL MR 346]. Dealing with the provisions of Section 4 (6) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, and Rules 32, 33, 34 and 35 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, it is held that in the case of suspension of an employee of a private school without obtaining the prior approval of the Appropriate Authority, the suspension does not necessarily become illegal or void.

3. Mr. Kothari, learned counsel appearing for respondent Nos. 1 and 2, has stated that the petitioner would be paid full wages during the period of suspension with effect from 15th October, 2005 and the respondents would complete the inquiry within a period of two months from today, provided the petitioner co-operates in the inquiry.

4. In view of the statement, in our opinion, the petitioner is not prejudiced. We, therefore, dispose of the petition, without entering into

the merits of the case. Respondent Nos. 1 and 2 shall file an undertaking on the statement made within two weeks from today.

CHIEF JUSTICE

S.C. DHARMADHIKARI, J.